

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELSHON DIXON,

Plaintiff,

v.

CDCR, *et al.*

Defendants.

Case No. 1:24-cv-00954-CDB (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS CERTAIN PARTIES**

(Docs. 7, 10)

14-DAY OBJECTION DEADLINE

Clerk of the Court to Assign District Judge

Plaintiff Delshon Dixon (“Plaintiff”) is a state prisoner proceeding pro se and *in forma paupers* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (Doc. 1).

Background

On August 16, 2024, Plaintiff filed a complaint against Defendants the California Department of Corrections and Rehabilitation (“CDCR”), Warden C. Pfeiffer, Correctional Officer Thompson, and Correctional Officer Dewitt. *Id.* On August 21, 2024, this Court issued a screening order finding Plaintiff’s complaint plausibly alleges Eighth Amendment claims for deliberate indifference to serious medical needs against Defendants Thompson and Dewitt but fails to allege cognizable claims against Defendants CDCR and Warden C. Pfeiffer. *Id.* Plaintiff was ordered to do one of the following within 30 days of the date of service of the order: (1) file a

1 first amended complaint curing the deficiencies identified in the Court's screening order; or (2)
2 notify the Court in writing that he does not wish to file an amended complaint and wishes to
3 proceed only against Defendants Thomas and Dewitt on his Eighth Amendment claims. *Id.* at 10.

4 Thereafter, Plaintiff filed two responses to the Court's screening order indicating that he
5 wished to proceed only on his Eighth Amendment claims against Defendants Thomas and Dewitt.
6 (Docs. 9-10).

7 **Discussion**

8 For the reasons set forth in the Court's screening order (Doc. 7) issued August 21, 2024, the
9 Court will recommend that this action proceed on Plaintiff's Eighth Amendment claim against
10 Defendants Thomas and Dewitt only, and Defendants CDCR and Warden C. Pfeiffer be
11 dismissed.

12 **Conclusion and Recommendation**

13 Accordingly, the Court ORDERS that the Clerk of the Court randomly assign a District
14 Judge to this action.

15 Further, the Court RECOMMENDS that:

- 16 1. This action proceed only on Plaintiff's Eighth Amendment claims for deliberate indifference
17 to serious medical needs against Defendants Thompson and Dewitt; and
18 2. Defendants CDCR and Warden C. Pfeiffer be DISMISSED from this action.

19 These Findings and Recommendations will be submitted to the district judge assigned to this
20 case, pursuant to 28 U.S.C. § 636(b)(1). Within 14 days of the date of service of these Findings and
21 Recommendations, a party may file written objections with the Court. The document should be
22 captioned, "Objections to Magistrate Judge's Findings and Recommendations." Failure to file
23 objections within the specified time may result in waiver of rights on appeal. *Wilkerson v. Wheeler*,
24 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).
25 IT IS SO ORDERED.

26 Dated: **September 6, 2024**

27 
28 UNITED STATES MAGISTRATE JUDGE